

## **REMARKS**

### **Preliminary Remarks**

This Preliminary Amendment is submitted with a continuation application. Claims 1, 3-16 and 18-20, which remain pending in the application, are similar to the claims that were filed in the parent applications. Applicant includes the following remarks that distinguish the claims over the references cited in the parent applications.

The Examiner rejected the claims of the parent application under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 4,665,506 to Cline et al. (hereinafter “Cline”), in view of U.S. Patent No. 4,396,914 to Aston (hereinafter “Aston”).

### **Comments Regarding the Cited Art**

#### **Failure to Teach or Suggest All Claim Elements**

The combination of the cited reference fails to teach or suggest all of the claim limitations.

Claim 1 requires:

creating a single data packet, including user data that is to be written to said target storage device and key data that is used to establish authorization to store said user data.

Neither the Cline patent nor the Aston patent teach or suggest, inter alia, “creating a single data packet, including user data . . . and key data . . . .” Cline has no key at all; and Aston’s key is just that, physical key in the form of a key card. Neither takes user data and key data and combine the two into a single data packet.

Claim 8 requires:

means for simultaneously delivering user data and key data to a controller of said storage device, wherein said user data is to be written to said storage

device and said key data is used to establish authorization to store said user data.

As previously described, the Cline patent has no key at all and, therefore, provides no means for ensuring simultaneous delivery of user and key data to a controller. Further, while the Aston has a single key card that contains a combination code and calculation data (instead of user data and key data), there is no mechanism to ensure the simultaneous delivery of this information to a controller.

To the contrary, Aston describes a 12-bit calculation code and a 12-bit combination code, so that microprocessor 100, having only four input lines K8, K4, K2 and K1, cannot accept both simultaneously. Instead, microprocessor 100 is connected to five phototransistors PT1 – PT5 for reading a key card that has a ten by five array of hole positions, one column of ten holes forming a stroke line. The disclosure describes that “[t]he data in the remaining ten rows of four holes falls into three distinct groups namely, instruction data, combination data and calculation data.” Aston at column 8, lines 28-32. Thus, the data read from the key card could not be simultaneously delivered to the microprocessor as it is read in groups of 4-bits and is similarly provided piecemeal to the microprocessor.

Claim 15 requires:

code for composing a single data packet including user data and key data, wherein said user data is to be written to said target storage device and said key data is used to establish authorization to store said user data.

Again, neither Cline nor Aston, whether taken alone or in combination, teach or suggest “code for composing a single data packet including user data and key data.”

### **There is No Suggestion or Motivation to Modify the References**

Neither the cited references nor the knowledge generally available to one of ordinary skill in the art provide the requisite suggestion or motivation to modify or combine the reference teachings. Aston is directed to a room locking system for hotels. The Cline patent is instead directed to “static RAMs and more specifically to static RAMs including peripheral

circuitry.” Cline, column 1, lines 6-7. The Cline describes the system as “[providing] a static RAM system that includes peripheral functions such as pipeline, parity and write protect capabilities.” Cline, column 1, lines 27-29.

Not only is the Aston patent nonanalogous to the field of applicant’s invention, but it is likewise nonanalogous to the field of the Cline patent. While Aston is directed to hotel locking systems, Cline is directed to a computer memory. One skilled in the art of computer memory devices simply would not look to the field of hotel door locking systems to solve a problem in the computer memory arts. These references from clearly nonanalogous art may not be not properly combined nor can they sustain a rejection under 35 U.S. C. §103(a).

**The Proposed Modification of the Cline Patent by the Aston Patent Renders the Cline Unsatisfactory for Its Intended Purpose and/or Changes its Principle of Operation**

While it is not necessary that the prior art devices be physically combinable to render an invention obvious (*In re Sneed*, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983)) the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See M.P.E.P. § 2143.01. Cline describes a memory system in which memory operations are directed by a Cycle Type (CT) decoder 6. One of the functions processed by CT decoder 6 implements a “Memory Write/Protect Override” function. See Table 1. Ultimately, this results in a write control signal being applied to memory array 3 so that data applied over internal data bus 20 is written into the memory. Application of the control signal and the data signals are independent. There is no mechanism to correlated data with enabling of a write signal.

In contrast to software instructions controlling the Cline memory, the Aston patent describes a logic circuit 16 that reads key card 15 that includes both a combination code and calculation data. Since the key card 15 provides any and all input, there is no opportunity for any erroneous data to reach or be stored in memory 13. However, such a mechanism is inapplicable to the structure of Cline. That is, to ensure that the system of Cline would limit data applied to memory 3 to that corresponding to a designated write protection override cycle would require incorporating a physical media, e.g., Aston’s key card 15, into a semiconductor chip. (See description of the Cline patent at column 2, lines 48-49.) Making such a modification would obviously change the principle of operation of the Cline memory

and render it inoperative for its intended purpose. For example, requiring data and address access to a memory be accomplished using a physical key card would be contrary to how computer memory system operates. Accordingly, the combination is improper under 35 U.S.C. §103(a). See also M.P.E.P. §1145 III.

For the reasons presented above, independent claims 1, 8 and 15 are considered to be distinguishable over the art of record in the parent applications.

### **Dependent Claims**

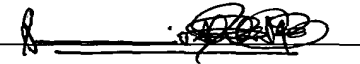
Dependent claims 2-7, 9-14, 16, and 18-20 are allowable over the art of record both as dependent from the allowable subject matter of their respective base claims and as each recited additional subject matter neither taught nor suggested by the art of record either alone or in combination.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 10002762-3 from which the undersigned is authorized to draw.

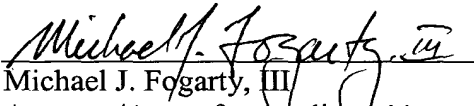
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